unlawful intercourse, and that it made no difference that the woman was not a common prostitute. Mr. Justice Darling rested his judgment on old statutes—13 Edw. I. st. 4, and 27 Geo. III. c. 44—as establishing that the intercourse between lover and mistress was not only immoral, but also illegal. The question will now arise how the landlord is to put an end to the tenancy (seeing that he cannot recover the rent) without enabling the defendant to take advantage of the maxim In pari delicto melior est conditio possidentis.—London Law Journal.

Railway Companies and Their Platforms.—A somewhat rare class of case came before Mr. Justice Coleridge and a jury this week in Boyle *v.* Metropolitan Railway Company. The plaintiff had sustained what were undoubtedly severe injuries by stepping on a piece of banana-skin at the bottom of a staircase at the station. The company were charged with negligence in not having had the skin removed. It appeared that the station was swept thoroughly twice a day and that the defendants' servants had instructions at all times to remove anything dangerous. In defence the doctrine of contributory negligence was pleaded; and indeed it seems somewhat of a hardship that a railway company should be held liable for all obstacles in or about a station if they have taken reasonable precautions to have them removed. The question of liability depends, of course, on the inference to be drawn from the facts in each particular case. In Shepherd *v.* Midland Railway Company (1872) some water had frozen on the platform. The cause of this freezing was unexplained, but the ice was nearly an inch thick, extended nearly half-way across the platform, and had the appearance of having been there some time. A passenger, waiting for a train, not observing the ice, stepped upon it and fell, and sustained serious injury. It was held by the Court of Exchequer that the company were guilty of actionable negligence in allowing the ice to remain upon the platform. Baron Pigott said: "It is a question of degree. If there had been only a very small piece of ice in a place where the railway servants had no opportunity of seeing it there may have been no negligence; but where we have a layer of ice three-quarters of an inch thick, and extending half across the platform, and that, too, at three in the afternoon, there was plenty of opportunity for them to have seen it and to have removed it." Let this principle, so clearly enunciated, be applied to the present case. The banana-skin was at the bottom of a staircase, not visible to every passer-by or to any porter; there was no evidence how long it had been there, or how it got there; it was a small object that might escape the attention of a servant, or indeed might have been thrown where it was immediately before the unfortunate plaintiff arrived on the spot. If then it is, as Baron Pigott

said, a question of degree, it is at least doubtful whether such a degree of negligence had been reached as to justify an award against the company.—London Law Journal.

Injuries to Person Accompanying Passengers.—The case of Wickert *v.* Wisconsin Cent. Ry. Co., 125 Northwestern Reporter, 943, was a personal injury action for damages. Plaintiff and daughter had accompanied some relatives to a railroad station for the purpose of seeing them off. The train pulled in, and plaintiff and her daughter said their farewells and gave parting kisses. The confusion and good byes all over with plaintiff's friends ascended the steps and called out to plaintiff to bring up the baby and a satchel. She responded by doing as requested and getting on the train. She remained only a moment, then started to descend the steps. Upon reaching the second step, the train began to move out moderately, whreupon she became dizzy, and soon fell off, sustaining injuries. The conductor had started the train at a time when it appeared no one was attempting to board or descend from any car. The Wisconsin Supreme Court held that trainmen are justified in presuming that all those who board a train at a station are passengers, and since there was no evidence that they knew or ought to have known that plaintiff was, at the time the conductor gave the signal to start, upon the train otherwise than as a passenger outward bound, no negligence was shown and the company was not liable. This is in accordance with Chesapeake, etc., R. Co. *v.* Paris, 16 Va. Law Reg. 416.

Billiard and Pool Halls Are Nuisances.—The board of trustees of Eldorado, Oklahoma, being empowered by statute to declare what shall constitute a nuisance and to prevent the same, passed an ordinance declaring billiard halls and pool rooms nuisances, and prohibited their running. Plaintiff Jones was convicted of violating the ordinance. In the case of Ex parte Jones, 109 Pacific Reporter, 570, he claimed that the ordinance was void upon the ground that municipal corporations are creatures of the Legislature, and can exercise only such powers as are expressly conferred by their charter or by statute. The Criminal Court of Appeals of Oklahoma holds that although a statutory grant of power to a municipality to declare what shall constitute a nuisance does not empower a municipality to declare a thing a nuisance which is clearly not one, it does empower the municipality to declare anything a nuisance which is so per se, or which by reason of its location, management, or use, or of local conditions and surroundings, may or does become such; and that as the operation of a billiard hall or pool room for gain is not recognized by the law as necessary or useful, or as a business which a person has an inherent right to engage in, the general authority given the trustees empowered them to pass the ordinance in question.